

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

ANTHONY SWIFT

PLAINTIFF

v.

NO. 1:05CV279-M-D

BARRY STANFORD, ET AL.

DEFENDANTS

JUDGMENT

Upon consideration of the file and records in this action, including the Report and Recommendation of the United States Magistrate Judge dated October 4, 2006, and the October 25, 2006, objections to the Report and Recommendation, the court finds that the plaintiff's objections are without merit and that the Magistrate Judge's Report and Recommendation should be approved and adopted as the opinion of the court. It is, therefore **ORDERED**:

1. That the Report and Recommendation of the United States Magistrate Judge dated October 4, 2006, is hereby **APPROVED AND ADOPTED** as the opinion of the court.

2. That the plaintiff's claims against defendant Sheriff C. B. Howard are hereby **DISMISSED** for failure to state a claim upon which relief could be granted.

3. That the plaintiff's claim of excessive force against defendant Barry Stanford shall **PROCEED**.

THIS, the 9th day of November, 2006.

/s/ Michael P. Mills
UNITED STATES DISTRICT JUDGE